



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF REGIONAL OFFICES
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December 27, 2022

Via ECF

Hon. John L. Sinatra, Jr.
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York

Re: Spencer, et al. v. Nigrelli, et al.
Case No. 22-cv-06486

Dear Judge Sinatra,

Per the Court's request during the December 22, 2022, preliminary injunction hearing, Plaintiffs and Defendant Nigrelli have conferred regarding the terms of a stay pending any appeal should this Court issue preliminary injunctive relief. Plaintiffs and Defendant Nigrelli jointly propose the following terms of a stay:

1. The preliminary injunction is stayed pending appeal, consistent with Defendant Nigrelli's representation at the December 19, 2022, status conference that the stays entered by the Second Circuit in *Antonyuk v. Hochul*, No. 22-2908, and *Hardaway v. Nigrelli*, No. 22-2933 permit plaintiffs to designate individuals otherwise authorized by law to carry a firearm to do so on church premises for the purposes of keeping the peace, without regard to whether they fall within any of the exceptions set forth in N.Y. Penal Law §265.01-e(3).
2. Plaintiffs and Defendant Nigrelli agree to follow an expedited briefing schedule in the Second Circuit, with appellants' opening brief to be filed 45 days from the date of this Court's order granting a preliminary injunction, appellees' brief to be filed 45 days after appellants' opening brief, and appellants' reply brief to be filed 14 days after the appellees' brief.
3. Defendant Nigrelli will consent to any request by plaintiffs to have an appeal in this case heard together with *Antonyuk* and *Hardaway*.

Plaintiffs and Defendant Nigrelli respectfully request that this Court stay the preliminary

injunction on the above terms pending a decision on appeal by the Second Circuit, or in the alternative, that this Court stay the preliminary injunction on these terms for 7 days to allow Defendant Nigrelli to file an unopposed motion to the Second Circuit for a stay on these terms.

Respectfully Yours,

/s/ Daniel R. Maguire

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